

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 25, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:05OD-153

Oahu

Direct Sale of Remnant Ditch to Plant Research Corp., and Withdrawal from  
Governor's Executive Order No. 1598, Waimanalo, Koolauapoko, Oahu,  
Tax Map Key:(1) 4-1-025:037 (por)

APPLICANT:

Plant Research Corp., a Hawaii profit corporation, whose business and mailing address  
is 41-745 Mooiki Street, Waimanalo, Hawaii 96795.

LEGAL REFERENCE:

Sections 171-11 and 52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government ditch situated at Waimanalo, Koolauapoko, Oahu, identified by tax  
map key: (1) 4-1-025:037 (portion) between parcels 8 and 9, as shown on the attached  
map labeled as Exhibit A.

AREA:

.263 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Honolulu CZO: Ag 2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_ NO X

CURRENT USE STATUS:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "operations, repairs or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>      </u>
Registered business name confirmed:	YES <u>X</u>	NO <u>      </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u>      </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Subdivide and consolidate the remnant with the Applicant's abutting property through the County subdivision process;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

The subject property is considered to be a remnant parcel because it is a portion of an abandoned irrigation ditch, which is physically unsuitable for development.

Staff has confirmed that the applicant is the fee owner of tax map key:(1) 4-1-025:08 with the City and County's Real Property Tax Office, and is also the fee owner of parcel 9, both of which abut the subject remnant parcel. There are no other abutting property owners.

The subject parcel is an abandoned ten foot wide irrigation ditch that is located in the applicant's lot which is owned by the State of Hawaii. The parcel was once part of an irrigation ditch system which serviced the Waimanalo Farm Lots throughout Waimanalo, which is under the jurisdiction of the Department of Agriculture by way of Governor's Executive Order No. 1598.

Grants were issued by the Territory in this area which reserved the fee title of the ditch system to the Territory. The ditch was eventually abandoned and the area was subdivided into houselots, which included the abandoned ditches which were still owned by the State of Hawaii. Various lot owners in Waimanalo, Northavon Investment Ltd., the owners of tax map keys: (1) 4-1-024:52 and 53, as well as Mr. and Mrs. Shigeto Miyashita, who are the owners of tax map keys: (1) 4-1-024:50 and 51, have in the past acquired the title to these ditches from the State.

Land Patent Grant No. 13246 dated April 26, 1967 transferred the ownership of the property over to the previous owners (Kyusul Lee and Pak Chin Ock Lee) of the property, reserving the 10 ft. wide ditch in favor of the State of Hawaii.

By way of a letter dated March 25, 2005, Plant Research Corp., current owner of the property at TMKs: (1) 4-1-025:8 and 9, is requesting to purchase the remnant property from the State, which will later be consolidated with parcel 8.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from various State and County agencies. The Department of Agriculture, City and County of Honolulu, Department of Public Works, Division of Historic Preservation, Commission of Water Resource Management have all expressed no objections to the sale of the abandoned ditch.

There are no other pertinent issues or concerns from other government agencies. Staff has no objection to the sale of this remnant parcel to Plant Research Corp.

#### RECOMMENDATION:

That the Board:

1. Find that the subject land is economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition, is a remnant pursuant to Chapter 171, HRS.
2. Authorize the subject requests to be applicable in the event of a change in ownership of the abutting parcel described as tax map key: (1) 4-1-025:8, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
4. Authorize the subdivision and consolidation of the subject remnant by the Applicant.

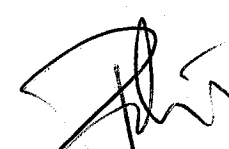
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Plant Research Corp. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The Grantee shall consolidate the remnant land with the Grantee's abutting property through the County subdivision process;
  - b. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
6. Approve of and recommend to the Governor the issuance of an executive order withdrawing the subject area from the Governor's Executive Order No. 1598, subject to the following:
- a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session following the date of the setting aside;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau  
Land Agent

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

Owners of Paper, So  
 Joseph A. Viers &  
 of Mch'n R. 7th  
 18, 17 &  
 Owners of Paper, So  
 Laurence DeCade &  
 of Mch'n R. 7th  
 32, 37 &

SA  
 Andrew L. Goodwin  
 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 8



*Note: All reservoirs, flumes, ditches,*

**DEPARTMENT OF THE TAX COMMISSIONER  
TAXATION MAPS BUREAU  
TERRITORY OF HAWAII**

DEPARTMENT OF THE TAX COMMISSIONER TAXATION MAPS BUREAU TERRITORY OF HAWAII			
TAX MAP			
FIRST 4	SEC. 1	DIVISION 25	
ZONE		PLAT	
CONTAINING		PAGE(S)	

**EXHIBIT "A"**